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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,957

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Michael Gauselmann

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PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER

HALL, ARTHUR O

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,957	Applicant(s) GAUSELMANN, MICHAEL	
	Examiner ARTHUR O. HALL	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Examiner acknowledges applicant's amendment of claims 18-19 and 21, cancellation of claims 1-17 and addition of claims 22-28 in the Response dated 4/22/2008 as part of the Request for Continued Examination directed to the Final Office Action dated 11/23/2007. Claims 18-28 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicant's arguments in the Response dated 4/22/2008 as part of the Request for Continued Examination directed to the rejection set forth under 35 U.S.C. 102(e) in the Final Office Action dated 11/23/2007 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicants amendments and in view of applicants arguments.

Examiner acknowledges applicants argument's directed to Examiners rejection of claim 18-21 under 35 U.S.C. § 112, first paragraph for lack of enablement of the term "N different jackpots" with respect to the disclosure of the specification. Examiner finds that the disclosure of the specification describes that there may be any number of columns, and thus, the number of jackpots associated with the number columns is not limited, which obviates the rejection under 35 U.S.C. § 112, first paragraph described in the Final office action dated 11/23/2007. Therefore, Examiner withdraws further rejection under 35 U.S.C. § 112, first paragraph.

Examiner acknowledges that the provisional grounds of nonstatutory Obviousness-type Double Patenting rejection was overcome by the applicant's amendments to claim 21 reciting that multiple jackpots are incremented and awarded.

Claim Rejections - 35 USC § 103

Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with respect to amended or new features as described below because each of the features of applicants claimed invention as amended or newly added are unpatentable or obvious over the prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 18-25 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. (US Patent 5,868,619; hereinafter Wood) in view of

Slomiany (US Patent 6,159,098). Features are described by figures with reference characters where necessary for clarity.

Regarding claims 18 and 21, Wood teaches

a method performed by a gaming device (column 3, lines 1-12, Wood) comprises:

generating an outcome of a primary game, the primary game generating at least one jackpot winning outcome and non-jackpot winning outcomes, wherein the primary game comprises displaying a plurality of symbols in at least one row and in N columns, where N is at least three, **or in other words**, generating an outcome of a primary game, the primary game generating jackpot winning outcomes and non-jackpot winning outcomes (column 3, lines 16-39, column 6, lines 18-39, column 7, lines 52-65 and Fig. 2A-2B, 46 and 48a-e, Wood; different outcomes (royal flush, straight flush, etc.) are displayed or generated in a primary game in which the outcome (three-of-a-kind or royal flush, etc.) of each sub-hand is a jackpot/award winning outcome and all other outcomes are non-jackpot/award winning outcomes, and one of the plural cards or symbols (nine of diamonds, etc.) that indicate whether a winning outcome results are displayed in one of the five columns in a row array);

simultaneously displaying a plurality of jackpots to a player, each one of the N columns being associated with a particular jackpot within the plurality of jackpots, such that there are N jackpots simultaneously displayed to the player that are associated with the columns, **or in other words**, simultaneously displaying a plurality of different jackpots to a player that may be won in a single game (column 6, lines 18-39 and Fig. 2A-2B, 46 and 48a-e, Wood; plural jackpot/award amounts are simultaneously displayed to the player in a payable in which at least one of the plural jackpot/award amounts is associated with each of the five columns including the a plural card or symbol that determines a winning outcome); and

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awarding at least one of the N jackpots to a player upon the player achieving a jackpot winning outcome, **or in other words**, awarding one or more of the jackpots to a player in response to the certain jackpot winning outcome occurring in a current game (column 7, lines 59-67, Wood; a jackpot/award amount is won by the player when the player obtains a winning outcome (three-of-a-kind or royal flush, etc.) in one of the sub-hands),

wherein a plurality of the jackpots is awarded in a single game if certain conditions are met, and wherein the particular number of jackpots awarded is based on certain conditions other than an outcome of the game (column 6, line 63 to column 7, line 23, column 10, lines 7-28 and Fig. 2C, 48e and 48a-d, Wood; plural jackpots/awards/payoffs are provided to the player based on the conditions representing the number of units wagered in the game for winning combinations/outcomes (three-of-a-kind or royal flush, etc.) in a sub-hand containing one card and a sub-hand containing multiple cards).

However, Wood does not appear to teach incrementing jackpots as claimed.

Therefore, attention is directed to Slomiany, which teaches

incrementing a particular one of the N jackpots associated with a particular column when a jackpot-incrementing symbol is displayed in that particular column (column 4, lines 34-36 and 40-42, Slomiany; a progressive jackpot is incremented when a winning outcome is achieved based on symbol groups displayed on reels, and it would have been obvious at the time of invention to try an implementation in which the progressive jackpot is any of the jackpots/awards disclosed in Wood and the symbol group or jackpot-incrementing symbol is any of the plural/cards that indicate a winning outcome in Wood since the display of a particular card results in a winning outcome that provides a jackpot/award to the player in the same manner as the progressive jackpot awarded in Slomiany, wherein any jackpot/award achieved in Wood may then be incremented as disclosed by Slomiany); and

incrementing the plurality of jackpots based on, at least in part, the occurrence of certain icons displayed in the primary game, wherein each jackpot is incremented based on different criteria (column 4, lines 34-48, Slomiany; a progressive jackpot is incremented when a winning outcome is achieved based on symbol groups displayed on reels, and it would have been obvious at the time of invention to try an implementation in which the progressive jackpot is any of the jackpots/awards disclosed in Wood and the symbol group or certain icons is a subset of the plural/cards that indicate a winning outcome in Wood since the display of a particular card groups results in a winning outcome that provides plural jackpots/awards/payoffs to the player in the same manner as the progressive jackpot awarded in Slomiany, wherein the plural jackpots/awards/payoffs achieved in Wood may then be incremented as disclosed by Slomiany based on the number of units wagered in Wood).

Slomiany suggests that a method of operating a device that allows the player to reach a bonus game or condition from a base or primary game based on a selected event or outcome occurring in the primary game in which the player's continued playing generates accumulated winnings in the bonus game or condition will provide a game that matches the player's greater expectation of winning value in the bonus game or condition (column 1, lines 29-53, Slomiany).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Wood in view of the teachings of Slomiany for the purpose of providing the gaming device of Wood having the prospect of winning plural jackpots based on the occurrence of plural winning outcomes that are interchangeable with or upgradeable to the plural jackpot incrementing features disclosed by Slomiany in order to meet the player's expectation of winning greater value

in the bonus game or condition by allowing the player to accumulate winnings as game play continues.

Regarding claims 19, 22-24, 26-27, Wood teaches

Regarding claims 19 and 22, awarding at least one of the jackpots to a player comprises awarding a plurality of the jackpots to a player for a jackpot winning outcome in a single game, the particular number of jackpots in the plurality being based on an amount bet by the player for the single game, **or in other words**, awarding one or more of the jackpots to a player comprises awarding a plurality of the jackpots to a player for a jackpot winning outcome in a single game, the particular number of jackpots in the plurality being based on an amount bet by the player for the single game (column 6, line 63 to column 7, line 23, column 10, lines 7-28 and Fig. 2C, 48e and 48a-d, Wood; plural jackpots/awards/payoffs are provided to the player when the player obtains winning combinations/outcomes (three-of-a-kind or royal flush, etc.) based on the number of units wagered in the game for a card or plural cards in each sub-hand).

Regarding claims 23 and 26,

detecting a bet by the player, the bet being one of a plurality of possible bet amounts that can be bet for a single game, the possible bet amounts including a minimum bet and a maximum bet (column 6, lines 40-52, Wood);

wherein awarding one or more of the jackpots to a player comprises awarding a plurality of the jackpots to a player for a jackpot winning outcome in a single game when a certain bet greater than the minimum bet is detected, **or in other words**, wherein awarding at least one of the jackpots to a player comprises awarding a plurality of the jackpots to a player for a jackpot winning outcome in a current game for a certain bet greater than the minimum bet (column 6, lines 40-52 and column 7, lines 18-23, Wood; a player must wager a number of units that are valued between the minimum and maximum bet amounts before the player is awarded any of the plural

jackpots/awards/payoffs upon obtaining the winning combinations/outcomes (three-of-a-kind or royal flush, etc.)).

Regarding claims 24 and 27, awarding at least one of the jackpots to a player comprises awarding a plurality of the jackpots to a player for a jackpot winning outcome in a single game, wherein the particular number of jackpots awarded is based on certain conditions other than an outcome of the game (column 7, lines 18-23, Wood; any of the plural jackpots/awards/payoffs are provided to the player based on the conditions representing the number of units wagered in the game for winning combinations/outcomes (three-of-a-kind or royal flush, etc.) in sub-hands).

Regarding claim 20, Slomiany teaches that the jackpot incrementing symbol is a value (column 4, lines 34-36, Slomiany; the symbol group or jackpot-incrementing symbol is a iconic symbol or symbols that may be any of the plural cards that indicate a winning outcome in Wood, and it would have been obvious at the time of invention to try an implementation in which the symbol group is a numeric value or values since the cards in Wood may include a nine of diamonds or three-of-a-kind/three 7's).

Claims 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Slomiany, and further in view of Baerlocher (US Patent 7,001,273). Features are described by figures with reference characters where necessary for clarity.

Regarding claims 25 and 28, a plurality of hidden jackpots cannot be won by a player until displayed to the player, one or more of the hidden jackpots being displayed to the player after at least one of the displayed jackpots is won by the player (column 7, line 58 to column 8, line 7 and column 10, lines 33-48, Baerlocher; the game reveals a hidden offer, which is a game award of eighty awards won by the player, after the player

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has accepted or rejected the displayed offers or jackpots and it would have been obvious at the time of invention to try an implementation in which the displayed offers are associated with jackpots/awards provided to the player in the same manner as the jackpots/awards provided to the player in Wood since obtaining a chance for the displayed offers occurs based on a trigger event in the base game that triggers the hidden offers/awards/jackpots to be revealed).

Baerlocher suggests that a device that provides new bonus rounds having an offer and acceptance scheme allowing a player to accept and reject awards will help the gaming industry to harness players from the increased popularity in offer and acceptance bonus scheme games (column 2, lines 23-48, Baerlocher).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Wood in view of the teachings of Slomiany, and further in view of the teaching of Baerlocher for the purpose of providing the gaming device of Wood alone or in combination with Slomiany having incremented jackpot features that are interchangeable with or upgradeable to the hidden jackpot features of Baerlocher in order to assist the gaming industry in capturing players resulting from the great popularity in offer and acceptance type bonus schemes.

Response to Arguments

Applicants arguments filed in the Response dated 4/22/2008 as part of the Request for Continued Examination directed to the Examiners' rejection under 35 U.S.C. § 102(e) have been considered fully and are moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth above in view of applicants amendments and in view of applicants arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under 35 U.S.C. 103(a) because each of the features of applicants claimed invention continues to be anticipated by or unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C US-5,042,810, Williams

D US-7,094,150 B2, Ungaro et al.

E US-6,776,714 B2, Ungaro et al.

F US-2003/0216165 A1, Singer et al.

G US-2002/0103021 A1, Wood et al.

H US-6,884,168 B2, Wood et al.

I US-7,081,050 B2, Tarantino

J US-6,599,193 B2, Baerlocher et al.

K US-5,542,669, Charron et al.

L US-7,329,180 B2, Strom

M US-6,461,241 B1, Webb et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is

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(571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714

/Scott E. Jones/
Primary Examiner, Art Unit 3714